

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  NEGOTIATED INTERCONNECTION AGREEMENTS	DOCKET NO. RMU-00-11
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**ORDER COMMENCING RULE MAKING**

(Issued November 3, 2000)

Pursuant to the authority of Iowa Code §§ 476.1, 476.2, 476.11, 476.101, and 17A.4 (1999), and 47 U.S.C. § 252(e) and (i), the Utilities Board proposes to adopt the rules attached hereto and incorporated herein by reference in this order. These rules amend 199 IAC 38.7(4). This proceeding has been identified as Docket No. RMU-00-11. The reasons for proposing these amendments are set forth in the attached notice of intended action.

**IT IS THEREFORE ORDERED:**

1. A rule making proceeding identified as Docket No. RMU-00-11 is commenced for the purpose of receiving comments on the proposed rules in the notice attached hereto and incorporated herein by reference in this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.      /s/ Diane Munns  
Executive Secretary

Dated at Des Moines, Iowa, this 3<sup>rd</sup> day of November, 2000.

## **UTILITIES DIVISION [199]**

### **Notice of Intended Action**

Pursuant to Iowa Code sections 17A.4, 476.1, 476.2, 476.11, and 476.101 (1999), and 47 U.S.C. sections 252(e) and (i), the Utilities Board (Board) gives notice that on November 3, 2000, the Board issued an order in Docket No. RMU-00-11, In re: Negotiated Interconnection Agreements. The Board is proposing to amend its rules concerning the review of negotiated interconnection agreements to accomplish its obligations under the federal statutes while reducing the time and paperwork now required to review and approve the agreements.

Federal statutes leave the Board with oversight of the negotiated agreements for public interest concerns and to ensure that no discrimination exists against any other carrier not a party to the agreement. 47 U.S.C. § 252(e)(2)(A). The current process of issuing an order docketing each negotiated interconnection agreement for comments, waiting 30 days, preparing a staff memorandum, and then issuing an order approving the agreement involves a substantial number of repetitive tasks that provide no additional oversight to the process on the Board's part and no discernable benefit to the end-user customer. The Board to this date has received no comments opposing the approval of a negotiated agreement and internal review has not produced a recommendation to reject any agreement.

The Board has determined that its review and approval procedures can be simplified without diminishing the statutory oversight. There are two aspects of the proposed changes. First are proposed changes to 199 IAC 38.7(4) to eliminate the need for the two orders issued by the Board, unless internal review shows that the agreement discriminates against another carrier or is not in the public interest, or comments are filed objecting to the agreement. Second, the Board will develop a webpage on the Board's website that will list negotiated interconnection agreements, amendments, and adoptions within five days of filing.

The webpage posting of the agreement or amendment will be the notice to the public that will show the date for filing comments. Interested persons will be given 30 days from the date the agreement was filed to file objections or support for the agreement and the agreement will be deemed approved on the 41st day after filing, if there are no objections and if internal review raises no issues.

The proposed changes to the rule and the procedures for reviewing and approving negotiated interconnection agreements will thus shorten the time for those seeking approval of the agreements and the approval will occur without the administrative burden of issuing two orders. The internal review of the agreements will not change significantly. The webpage will indicate the approval date of the agreement or if the agreement has been docketed.

Adoption by telecommunications carriers of the terms, conditions, and rates from previously approved interconnection agreements are allowed under 47 U.S.C. section 252(i). Board review is not contemplated for such adoptions. However, adoptions will be listed on the Board's webpage.

The Board will also rescind the paragraph setting a timeline on resubmission. The federal act favors competition facilitated by interconnection agreements and the deadline for resubmission does not further that goal.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before December 19, 2000, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)"b," an oral presentation may be requested of the Board on its own motion after reviewing the statements may determine that an oral presentation should be scheduled.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.2, 476.11, 476.101 (1999), and 47 U.S.C. 252(e) and (i).

The following amendments are proposed.

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Item 1. Amend subrule 199–38.7(4) as follows:

**38.7(4) *Board review of agreements.***

a. *Filing of agreements.* All interconnections agreements shall be filed with the board for approval within 15 days after the issuance of a final decision on the

arbitrated issues, in the case of arbitrated agreements or, and in the case of negotiated agreements, after the execution of the agreement.

b. Notice of negotiated agreements, amendments, and adoption of agreements.

Notice of the filing of a negotiated interconnection agreement, an amendment to an agreement, or adoption of an agreement will be posted within five working days after the filing date, on the board's website, <http://www.state.ia.us/iub>.

~~c.~~ Comments on arbitrated agreements. Within ten days following the filing of the arbitrated agreement ~~or 30 days after a negotiated agreement is filed for~~ with the board ~~for~~ review, the parties involved in the ~~negotiations or~~ arbitration, and any other interested party, may submit written comments to the board supporting either approval or rejection of the agreement. If the board does not approve or reject the agreement within ~~90 days after a negotiated agreement or within 30 days after~~ submission by the parties of an agreement adopted by arbitration, the agreement shall be deemed approved.

d. Comments on negotiated agreements and amendments to agreements.

Within 30 days of the filing date of the negotiated agreement or amendment, the parties involved in the negotiations and any other interested party may submit written comments with the board supporting either acceptance or rejection of the agreement or amendment. If no comments are filed and no issues are generated by the internal board review, the agreement or amendment will be deemed approved 41 days after the filing date. If comments opposing approval are filed or the internal board review recommends investigation, the agreement or amendment will be docketed. The docketing order shall be issued within 40 days after the filing date. If

the board does not issue a decision on a docketed filing within 90 days after the filing date, the agreement or amendment will be deemed approved.

e. *Comments on adoption of agreements.* No board approval is necessary where there is an adoption of the terms, conditions, and rates from an approved interconnection agreement. The adoption is effective upon filing. If there are terms, conditions, or rates in the filing that are not from an adopted agreement, then the filing is subject to the provisions of paragraph 38.7(4)"d."

f. *Indefinite terms, conditions, or rates:* Where the agreement or amendment contains terms, conditions, or rates that are not yet agreed to, the parties shall file an amendment to the agreement once they have reached agreement on the terms, conditions, or rates.

~~e. *Resubmission:* If the Board rejects a voluntary agreement or arbitration award, the parties may resubmit the agreement for board approval within 30 days following such rejection if the parties have remedied the deficiencies set forth in the board's findings.~~

November 3, 2000

/s/ Allan T. Thoms  
Allan T. Thoms  
Chairperson